REMARKS

Claims 1-10, 13-17, 24-30, 32-37, 40-44 and 74-103 stand rejected. No claims have been amended herein. Therefore, claims 1-10, 13-17, 24-30, 32-37, 40-44 and 74-103 are pending and at issue. Applicants respectfully request reconsideration of the rejections of the claims and allowance of the case.

As an initial matter, Applicants would like to thank the Examiner for participating in a phone interview to discuss the present rejections and cited art. Applicants agree with the Interview Summary dated April 30, 2010.

Claims 1-10, 13-17, 24-30, 32-37, 40-44 and 74-103 stand rejected under 35 U.S.C. § 103 as allegedly being unpatentable over WO 183317 A1 by SAVUR in view of JP 08322449-A by OTSUKI. Applicants respectfully request reconsideration of this rejection as it is based upon a mischaracterization of the cited references and/or a misunderstanding of the present claims.

As discussed in the interview with the Examiner, the present invention removes harmful fumigant, for example, from a container, reducing the risk of a worker entering the container being poisoned. Many fumigants, such as methyl bromide, used to fumigant containers are highly toxic to humans.

As previously presented, the independent claims of the present invention all recite a conventional shipping container, wherein the door of the shipping container is opened and a panel is operatively coupled to the end door opening. The panel has a gas inlet and a gas outlet. A flushing gas is introduced into the container via the gas inlet to flush residual gas from the container. Some of these claims also recite the feature that residual gas is extracted via the gas outlet.

These claims are readily distinguishable from the cited art because:

- The claims recite that the gases pass into and out of the conventional shipping container, where OTSUKI teaches that the gases are recycled and kept wholly within the container, merely exchanged between internal compartments of the container.
- The claims recite that an end door of the container is opened , whereas both OTSUKI

and SAVUR teach the end doors should remain closed.

- The claims recite that a panel with a gas inlet/outlet is attached to the door opening at an end of the container, not internal to and spaced away from the end as taught by OTSUKI. SAVUR does not disclose or suggest this feature either. The present claims to not recite dividing the container internally by the panel. Further, the Office Action's characterization of the partition in OTSUKI as a panel coupled to the end door opening of the container, as recited in the present claims, is completely incorrect as the partition in OTSUKI is not positioned at the recited location.
- Resultantly, the panel in OTSUKI is permanently located within the container. OTSUKI does not teach a panel that can practically be attached to every single container that arrives in a port for decontamination, and then removed; as is practically achieved with the present invention.

The Office Action alleges that extraction of at least some of the residual gas present in the container inherently happens when the door is opened. But in the case of SAVUR and OTSUKI, extraction of at least some of the residual gas present in the container can not inherently happen when the door is opened. SAVUR teaches the end doors of the container should be closed and furthermore there is a fluid impervious curtain 16 to seal the door to prevent leakage and thus gas flow through the doors (page 17 line 29 - page 18 line 19). Air is extracted from the container at the opposite end to the doors through port 18. SAVUR positively teaches in an opposite way from extracting residual gas through the container end door opening.

Similarly, OTSUKI teaches the use of a sealing membrane (4) which can be seen in drawing 1 to extend around the inside parameter of the chamber (10) including the doors. Thus, not only do OTSUKI and SAVUR teach that the container end doors are closed, but there should be extra special measures, through use of a membrane, to prevent any gas passing from the container through the container and door opening.

The whole point of OTSUKI and SAVUR are to seal the container very well to keep the gases inside to control the internal atmosphere. Flushing is contrary to the teaching of either prior art documents.

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Also, neither SAVUR nor OTSUKI disclose or suggest absorption means to absorb a fumigant - SAVUR is about delaying deterioration of perishable products by the management of the proportion of oxygen to carbon dioxide in the atmosphere in which the products are located - see for example page 1 lines 4-6, lines 8-11, page 2 lines 13-13, page 27 lines 11 to 20.

Therefore, the combination of SAVUR and OTSUKI, when taken either alone or in combination, fails to disclose or suggest one or more features recited in each of the pending claims.

Reconsideration of the rejections, in light of the aforesaid amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of placing the application into a proper condition for allowance.

CONCLUSION

Should any informal matters remain which can be corrected by Examiner's amendment, Applicant requests that the undersigned be contacted by phone in order to expedite the prosecution of the present case.

If any fees are due in connection with this application, the Patent Office is authorized to deduct the fees from Deposit Account No. 19-1351 as required. If such withdrawal is made, please indicate the attorney docket number (37388-405800) on the account statement.

Respectfully submitted,

By _____

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